GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

PUBLIC SERVICES – Commercial Taxes Department – Sri K.Mohan, ACTO(DR), Zone-IV – Regularization of services and commencement of probation in the cadre of ACTO w.e.f., date of joining i.e. 05.11.2007 in relaxation of Rule 16(h) of APS & SS Rules, 1996 – Permission accorded - Orders – Issued.

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REVENUE (CT.I) DEPARTMENT

G.O.RT.No. 846 **Dated:11.09.2015.**
Read the following:

1. G.O.Rt.No.68, Rev(CT.I) Dept., dated.10.01.2013.
2. Orders of Hon'ble APAT, Dated.20.11.2013 in O.A.No.960 of 2013 with V.M.A.No.1084 of 2013 in M.A.No.1781 of 2013 and C.A.No.666 of 2013.
3. Representation of Sri K.Mohan, ACTO, Dated.28.11.2013 and 20.01.2015 and 05.02.2015.
4. Govt.Memo.No.45098/CT.I(1)/2013, Dated.07.12.2013 and 07.02.2015.
5. From the Asst.Registrar, Hon'ble APAT, Notice in C.A.No.204 of 2015 in O.A.No.960 of 2015, dated.12.03.2015.
6. From the CCT Ref.No.DX(2)/37/2012, dated:20.03.2015.

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O R D E R:

Sri K.Mohan was selected as DR ACTO through APPSC under Group-II Services in the year 2007 and allotted to the Chittoor Nodal Division and accordingly he joined in the Chittoor Nodal Division on 05.11.2007. As per the provision of Rule 9 of APCT SS Rules, every person appointed by Direct Recruitment to the post of ACTO shall, within the period of probation, pass the following tests namely; (1) Book Keeping (2) Account Test for Subordinate Officers Part-I or Account Test for Executive Officer (3) Commercial Taxes Laws and Rules-I and (4) Other Laws II and also language test if any. He ought to have passed all the departmental tests as above within the period of two years i.e. by 04.11.2009 for declaration of his probation within a normal period. He has passed last departmental Test on 19.07.2011 (Local fund audit Paper IV) i.e., beyond three years.

2. In the G.O. 1st read above, the Government have issued orders declaring the commencement of probation of Sri M.Mohan, ACTO(DR), w.e.f., 28.01.2009, two years anterior to the date of publication of results by the APPSC in respect of last departmental test passed by him i.e. 27.01.2011.

3. Aggrieved by the above orders, the individual has approached the Hon'ble Tribunal and the Hon'ble A.P.A.T., in its orders, Dated:20.11.2013 in O.A.No.960 of 2013 has set aside the G.O.Rt.No.68, Rev(CT.I)Dept., dt.10.01.2013 and directed the respondents to extend the same benefits to the applicant, which was extended to Sri V.Srinivasachari, Sri B.N.Subbanna and Smt P.Nageswaramma, who working as A.C.T.Os, in the same Department, by issuing fresh orders, i.e., extending the benefit of the commencement of the probation from the date of his joining into service and extend all the consequential benefits to him. The individual has also filed C.A.204/2015 in O.A.No.960/2013.

P.T.O

4. In the letter 6th read above, the CCT, A.P., Hyderabad while enclosing the report of the Deputy Commissioner (CT), Chittoor Division has requested the Government to take necessary action for commencement of probation of Sri K.Mohan, DCTO from the date of joining i.e., from 05.11.2007 in the cadre of ACTO, keeping in view the orders of the Hon'ble APAT, dated.20.11.2013 in O.A.No.960/2013.

5. After careful examination of the matter, it is observed that Sri K.Mohan joined as DR ACTO on 05.11.2007 in Chittoor Nodal Division has passed the last departmental exam i.e., LF Audit Paper IV in November, 2011 i.e. beyond three years from the date of joining in the service. It is further observed that the APPSC has not conducted departmental test regularly during the period 2007 to 2011 as per rule 6 and 7 of departmental test rules. Hence, it is considered that the delay in passing the departmental test by the individual is entirely not due to his fault, partly owing to delay in conducting of departmental tests and publication of results by the APPSC and it cannot be attributed to the individual.

6. In view of the above circumstances, it is, therefore, decided to relax the rule 16(h) of Andhra Pradesh State and Subordinate Service Rules, 1996 in favour of the individual by invoking the powers of relaxation conferred under Rule 31 of APS & SS Rules, 1996.

7. Accordingly, in partial modification of the orders issued in the GO 1st read above, in respect of Sri K.Mohan, ACTO(DR), and in exercise of the powers conferred U/r 31 of the APS & SS Rules, 1996, Government hereby relax rule 16(h) of Andhra Pradesh State and Subordinate Service Rules, 1996 in favour of Sri K.Mohan, ACTO(DR), to regularize his services and declare the commencement of his probation w.e.f., date of joining i.e., 05.11.2007.

8. This shall not be quoted as precedent for future cases.

9. The Commissioner of Commercial Taxes, A.P., Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Commercial Taxes, A.P., Hyderabad.
Copy to: the individual through the Commissioner of Commercial Taxes, A.P., Hyderabad.
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER